

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of S.M. and M.M., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20051132-CA
)	
C.E.,)	F I L E D
)	(February 9, 2006)
Appellant,)	
)	2006 UT App 38
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 439802
The Honorable C. Dane Nolan

Attorneys: Julie George, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Jeannine P. Timothy, Salt Lake City, Guardian Ad
Litem

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

C.E. appeals the termination of her parental rights in S.M. and M.M. C.E. asserts that she should have been allowed more time to demonstrate that she could "accomplish the objectives set for her" in her service plan.

Pursuant to rule 54(a) of the Utah Rules of Appellate Procedure, where an appellant intends to challenge the sufficiency of the evidence supporting a finding or conclusion, "the appellant must include in the record a transcript of all evidence relevant to" the challenged finding or conclusion. Utah R. App. P. 54(a). "In the absence of an adequate record on appeal, we cannot address the issues raised and presume the correctness of the disposition." State v. Rawlings, 829 P.2d 150, 152-53 (Utah Ct. App. 1992), overruled on other grounds by

State v. Gordon, 913 P.2d 350 (Utah 1996). Because C.E. has not included a copy of the trial transcript on appeal, we presume the correctness of each of the juvenile court's findings of fact. It is within this context that we analyze C.E.'s claim.

C.E. claims that she was not afforded sufficient time to accomplish the goals of her service plan. She makes this argument despite the fact that at the time of trial, C.E.'s children had been out of her home for twenty-one months. During the first seventeen months of this period, C.E. did virtually nothing to accomplish the goals of her service plan. While C.E. eventually started a drug rehabilitation program shortly before trial, she was nowhere close to completing the program and had not completed other important aspects of her service plan.

Rehabilitation is "a two way street which 'requires commitment on the part of the parents, as well as the availability of services from the State.'" In re P.H., 783 P.2d 565, 572 (Utah Ct. App. 1989) (quoting In re J.C.O., 734 P.2d 458, 463 (Utah 1987)). "The parent must be willing to 'acknowledge past deficiencies and [exhibit a] desire to improve as a parent and correct the abuses and neglect.'" Id. (quoting In re M.A.V., 736 P.2d 1031, 1035 (Utah Ct. App. 1987)). "If after a reasonable period of time, no positive change in parenting skills occur, a termination of parental rights is appropriate. Children cannot remain in limbo indefinitely where there is no reasonable likelihood of their parents gaining necessary parenting abilities." In re C.Y., 765 P.2d 251, 255-56 (Utah Ct. App. 1988).

There is nothing in the juvenile court's findings of fact and conclusions of law that would in any way indicate that if C.E. had just been given more time, she could have accomplished the goals of her service plan.¹ Under the circumstances, it is clear that C.E. was afforded more than enough time to alter her attitudes and become a fit parent. C.E. failed to take advantage

¹The juvenile court's findings demonstrate that even at the time of trial C.E. was not in a position to be a fit parent. Specifically, the juvenile court found that C.E.'s long-term ability to support herself and maintain a home of her own was questionable. Further, the juvenile court found that based upon C.E.'s history and her inability to complete individual counseling, she evidenced a high risk for drug use in the future.

of this opportunity. The children deserve finality and the opportunity to be adopted into a stable family.

Accordingly, the order terminating C.E.'s parental rights is affirmed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge